

**PLANNING AND ZONING COMMISSION  
STAFF REPORT**

**September 17, 2015**



**Conditional Use Permit Case no. CU15-12: Fraternity Home in A-O**

**CASE DESCRIPTION:** request for approval of a Conditional Use Permit, to allow a fraternity home on property in Agricultural – Open (A-O) district.

**LOCATION:** 7.139 acres of vacant land currently addressed as 3730 Sandy Point Road and adjoining the north side of Sandy Point Road between Hilton Road and Lee Morrison Lane in Bryan, Brazos County, Texas

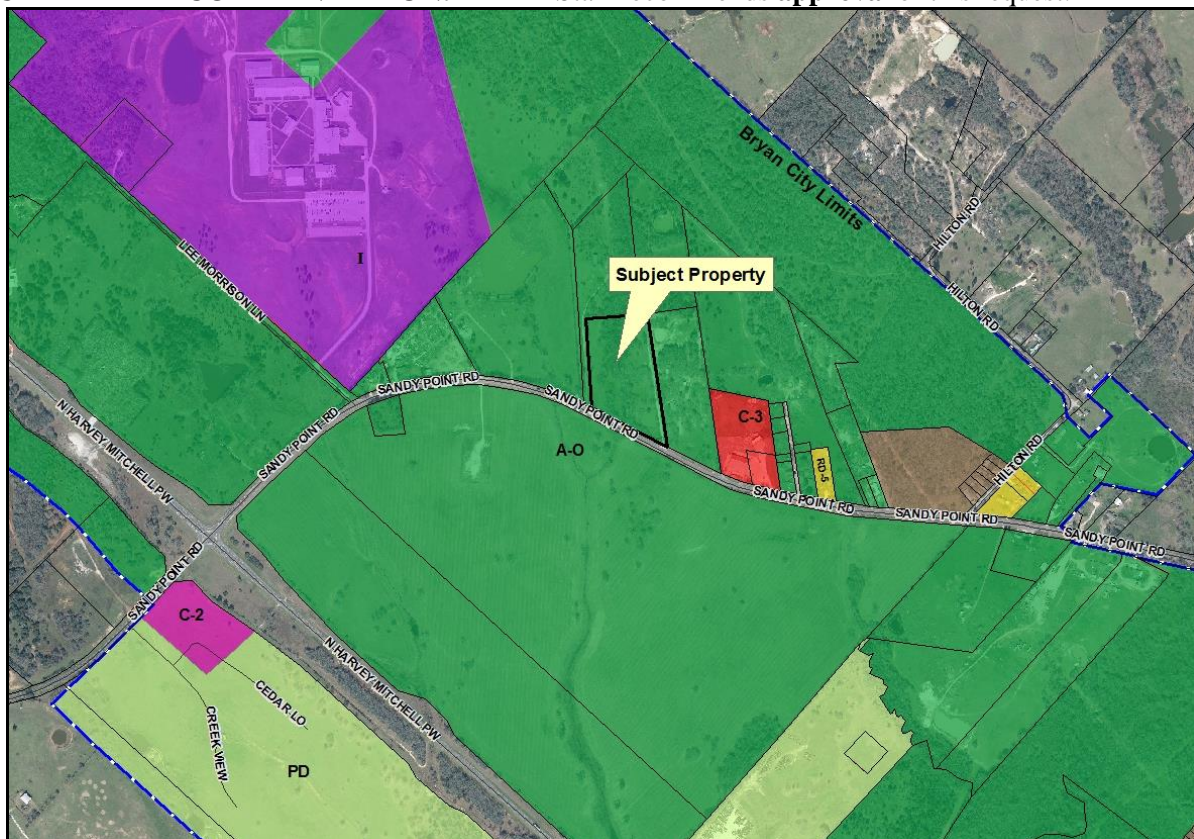
**LEGAL DESCRIPTION:** A024201, J M Webb (ICL), Tract 6

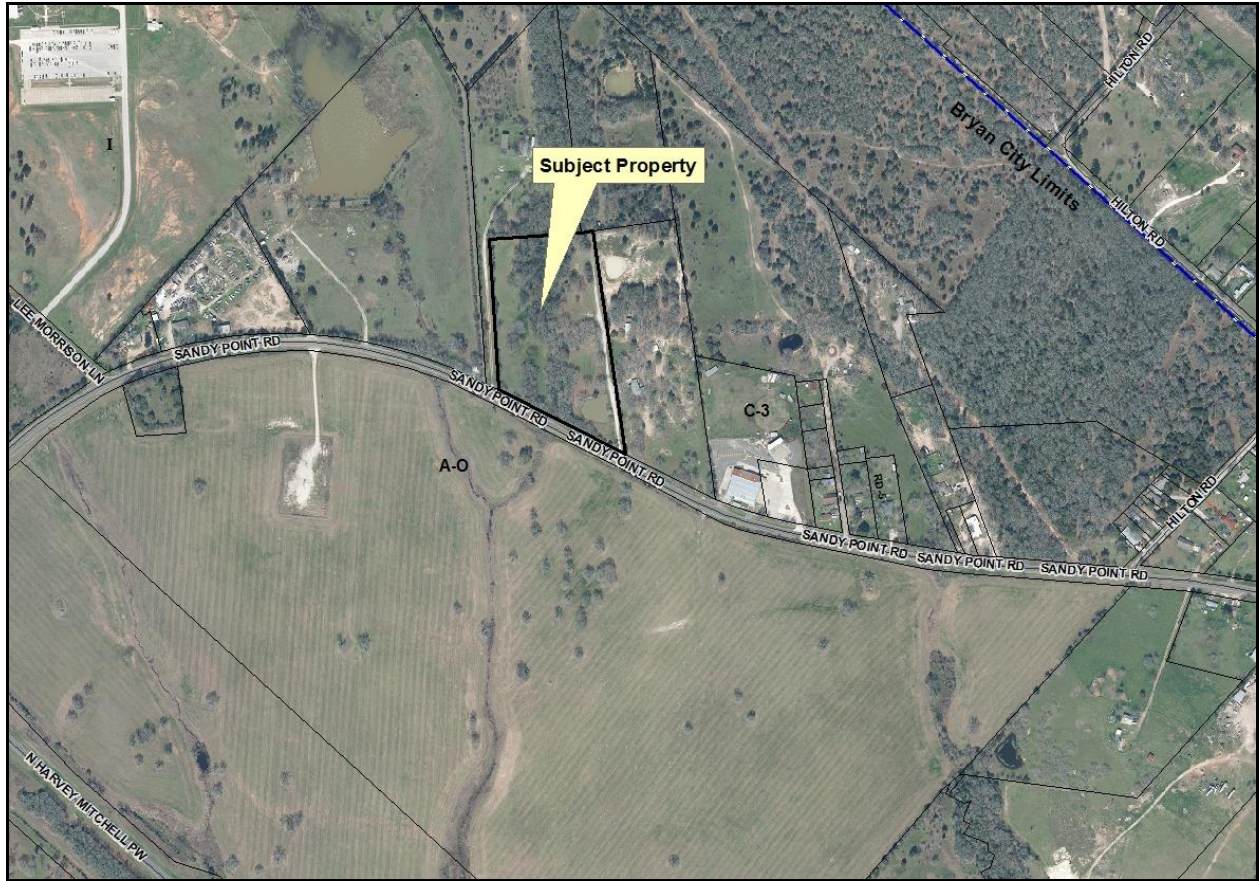
**EXISTING LAND USE:** Vacant

**APPLICANT(S):** Brian Bonnema and Linda Reid-Bonnema – Property Owners  
Ellis Gerall – potential buyer

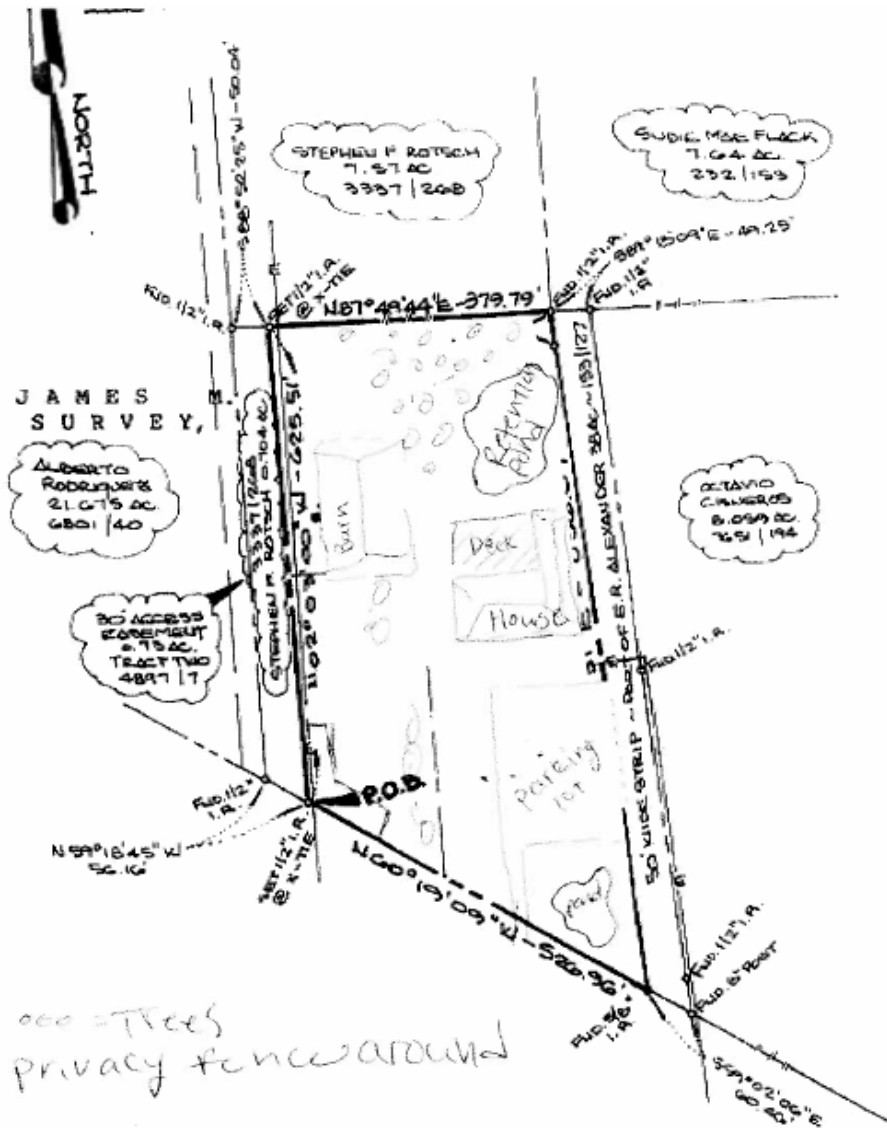
**STAFF CONTACT:** Stephanie Killam, Staff Planner

**SUMMARY RECOMMENDATION:** Staff recommends **approval** of this request.





## SITE PLAN – AUGUST 25, 2015



The survey shown on this plat of the WALTER & FRANCES MATCEK 7.139 ACRES TRACT, J. M. Webb Survey, A-242, Brazos County, Texas, was prepared from a survey made under my supervision in February, 2007. There are no visible easements, visible encroachments or visible shortages in area except as shown hereon.

Martin L. Riley, Jr., R.P.L.S. No. 4088





## **BACKGROUND:**

The applicant Ellis Gerall, desires to purchase the property from current owners Brian Bonnema and Linda Reid-Bonnema. Ellis is seeking the conditional use permit to build a fraternity home on the property. The fraternity home will be approximately 4,500 square feet with eight to ten bedrooms. Once the home is built it will be leased to a fraternal organization.

The subject property is zoned Agricultural Open (A-O) district and is intended to provide a location for principally undeveloped or vacant land situated on the fringe of an urban area and used primarily for agricultural purposes, but may become an urban or residential area in the future. Single family homes are allowed by right, however the applicant is seeking a conditional use permit because fraternity and sorority homes are allowed in A-O with prior approval of a conditional use permit.

Properties adjacent to the subject property is zoned A-O on all three sides as well as across major arterial Sandy Point Road. Most of the land is undeveloped with the exception of single family homes on the properties north and east of the subject property.

## **ANALYSIS:**

Approval of a Conditional Use Permit by the Planning and Zoning Commission shall be based upon the following criteria.

1. Whether the proposed conditional use conforms to applicable regulations and standards established by the Zoning Ordinance.

**Property zoned Agricultural Open (A-O) is primarily used for cropland, ranch use and single family homes. Property zoned A-O also serves as a placeholder for future development of land once it has been annexed by the city. The subject property is surrounded by single family homes and vacant land. The proposed fraternity home was reviewed by the SDRC committee which found that the proposed use will conform to all applicable regulations and standards as set by the land and site development ordinance. The fraternity home if granted conditional use permit will be required to submit a preliminary plan and final plat of the land, followed by a full site plan for SDRC review. Building plans will be required to follow all applicable regulations as set forth by the land and site development and zoning ordinances. The applicant is not asking for any exceptions to the Bryan Code of Ordinances.**

2. Whether the proposed conditional use is compatible with existing or permitted uses on abutting sites, in terms of use, building height, bulk and scale, setbacks and open spaces, landscaping, drainage, or access and circulation features.

**Staff believes that the proposed use, a fraternity home on the subject property will be compatible with existing uses on all abutting sides. The proposed fraternity home is located on a large parcel of land (7.13 acres) sufficient for a fraternal organization to conduct membership traditions and housing quarters for a small number of fraternity brothers. Additionally, being that the proposed fraternity home is located on the outskirts of town in an area with natural buffers, the home will less of a disturbance than if located in a high density developed area. Adjacent properties to the north and to the east are developed with single family homes. Each of these homes are located at distances greater than 200 feet from the proposed location of the fraternity home. The adjacent property to the west is vacant land. Properties across Sandy Point Road are also vacant land. Staff believes that the**

**proposed fraternity home is appropriate in this particular area because it matches the use of existing detached single family homes in the vicinity.**

3. Whether and the extent to which the proposed conditional use potentially creates greater unfavorable effect or impacts on other existing or permitted uses on abutting sites than those which reasonably may result from the use of the site by a permitted use.

**Although staff believes that the proposed fraternity home at this location may create greater unfavorable effects or impacts on abutting properties than a single family home or ranch style development that would be allowed by right on the property; the large amount of land and natural buffer in the area would help to eliminate any noise problems for adjacent and surrounding property owners.**

4. Whether and the extent to which the proposed conditional use affects the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area.

**Staff does not anticipate that the proposed fraternity home at this location will generate measureably more traffic than a single family home allowed by right on the property. The subject property is located on Sandy Point road, a major arterial capable of handling traffic generated by the proposed use. Sandy Point Road is currently 30 feet wide with 60 feet of dedicated right of way. Sandy Point Road is a Texas Department of Transportation Road and the applicant will be required to follow TXDOT regulations when considering where to take access from the ROW. Additionally the applicant has stated that they intend to provide at least the minimum number of off street parking spaces and most likely will provide one parking space per bedroom. Staff believes the proposed use does not hinder the flow of vehicular and pedestrian traffic in the area because Sandy Point Road is capable of handling the traffic created by the proposed development and because the applicant has stated they will abide by all parking requirements set forth by the land and site development ordinance.**

5. Whether and the extent to which the proposed conditional use would reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.

**Any new development on this property, including the proposed fraternity home, is required to meet City regulations concerning erosion, flood, fire and other hazards and impacts. No variations from existing standards are being requested.**

6. Whether and the extent to which the proposed conditional use adversely affects traffic control or adjacent properties by inappropriate location, lighting, or types of signs.

**The submitted site plan does not indicate the location of any proposed signage. With approval of this Conditional Use Permit, all signs would be subject to the standards and limitations that generally apply to properties zoned Agricultural Open (A-O). Staff is confident that these standards will prevent the installation of distracting signs in inappropriate locations on this property.**

7. Whether and the extent to which the proposed conditional use provides adequate and convenient off-street parking and loading facilities.

**The applicant has listed on the application supplement E “plan to provide parking spaces per**

**bedroom.” Staff believes that based on the applicants note that adequate and convenient off-street parking will be provided for the proposed fraternity home.**

8. Whether the proposed conditional use conforms to the objectives and the purpose of the zoning district in which the development is proposed.

**Single family detached dwelling units are allowed in A-O by right. Staff believes the proposed fraternity home conforms to the zoning district and supports the orderly development of land in the vicinity.**

9. Whether the proposed conditional use will be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

**Staff believes that the proposed development will have few (if any) ill effects on properties or improvements in the vicinity.**

10. Whether the premises or structures are suitable for the proposed conditional use.

**Staff believes that the proposed fraternity home is suitable for the vacant land.**

#### **RECOMMENDATION:**

Staff **recommends approving** the requested Conditional Use Permit for this location; with the condition that the applicant submit for SDRC review and approval prior to a building permit being issued:

1. Preliminary plan – final plat
2. Full site plan of the proposed development